

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

CRIMINAL NO. 5:02CR43

UNITED STATES OF AMERICA

VS.

DAVID EZEL SIMPSON

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O R D E R

THIS MATTER is before the Court on the Defendant's "motion for detain time" while "awaiting to be sentenced on supervise[d] release violation." The motion is denied.

The Attorney General of the United States, not the sentencing court, has the authority to compute the amount of pre-sentence credit. ***United States v. Wilson*, 503 U.S. 329 (1992)**. The Fourth Circuit has held that the district court should not reach the merits of such a motion. ***United States v. Odiana*, 7 F.3d 227 (table), 1993 WL 359159 **1 (4th Cir. 1993)** (citing ***United States v. Miller*, 871 F.2d 488, 490 (4th Cir. 1989)** and ***Chua Han Mow v. United States*, 730 F.2d 1308, 1313 (9th Cir. 1984)** (Challenges to the computation of sentence must be brought in the

district of confinement and only after the exhaustion of administrative remedies.)). Further, federal regulations provide for administrative review through the Bureau of Prisons of the computation of prison sentences and a defendant may not seek judicial review until after these administrative remedies have been exhausted. ***United States v. Burcham*, 91 F. App'x 820, 823 n.2 (4th Cir. 2004).**

IT IS, THEREFORE, ORDERED that the Defendant's "motion for detain time" is hereby **DENIED**.

Signed: July 29, 2008

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

